

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
) Case No. 18-00295-01-CR-W-GAF/
v.) 19-00205-01-CR-W-GAF
)
JAMES HAWKINS,)
)
)
Defendant.)

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGES: In case 18-00295-01-CR-W-GAF, on August 6, 2019, the Grand Jury returned a two-count Superseding Indictment charging that on or about January 12, 2018, the Defendant, James Hawkins, having been convicted of a crime punishable by imprisonment for a term exceeding one year knowingly possessed a firearm (Count One) and possessed a shotgun having a barrel of less than 18 inches in length which was not registered to him in the National Firearms Registration and Transfer Record (Count Two.)

In case 19-00205-01-CR-W-GAF, on June 25, 2019, the Grand Jury returned a one-count Indictment charging that on or about May 20, 2019, in the Western District of Missouri, the defendant, James E. Hawkins, knowingly possessed and caused to be present a dangerous weapon in the Charles Evans Whittaker Courthouse for the Western District of Missouri, a Federal court facility.

On December 3, 2019, these two matters were consolidated.

The following matters were discussed, and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Robert M. Smith and Trey Alford

Case Agent: Charlie Backer, ATF

Defense: pro se

OUTSTANDING MOTIONS:

18-00295-01-CR-W-GAF:

12/13/2019	<u>78</u>	PRO SE MOTION to <i>Dismiss for Lack of Venue</i> by James Hawkins. Suggestions in opposition/response due by 12/30/2019 unless otherwise directed by the court. (Woods, Gloria) (Entered: 12/16/2019)
------------	-----------	--

19-00205-01-CR-W-GAF:

12/13/2019	<u>36</u>	PRO SE MOTION to <i>Dismiss for Lack of Venue</i> by James E Hawkins. Suggestions in opposition/response due by 12/27/2019 unless otherwise directed by the court. (Woods, Gloria) (Entered: 12/16/2019)
------------	-----------	--

TRIAL WITNESSES:

Government: 0 with stipulations; 4-8 without stipulations

Defendant: 0 witnesses

TRIAL EXHIBITS:

Government: approximately 10-20 exhibits

Defendant: approximately 0 exhibits

DEFENSES: General denial in both cases.**POSSIBLE DISPOSITION:**

() Definitely for trial; (X) Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 3 days total

Government's case including jury selection: 2 day(s)

Defendant: 1 day(s)

STIPULATIONS: None**UNUSUAL QUESTIONS OF LAW:** None**FILING DEADLINES:****Witness and Exhibit List**

Government: Proposed Witness List filed June 14, 2019 in 18-00295-01-CR-W-GAF. Updated list(s) due on or before December 26, 2019.

Defendant: Due on or before December 26, 2019.

Counsel are requested to list witnesses in alphabetical order on their witness list.**Exhibit Index, Voir Dire, Jury Instructions: Due on or before Thursday, January 2,****2020.**

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Due on or before Thursday, January 2, 2020.

TRIAL SETTING: Criminal jury trial docket set for January 6, 2020.

Please note: Government requests the first week of the trial docket as he has another case going the second week of the docket. Defendant objects stating he wants the second week of the docket due to his work schedule.

Defendant advises the Court that he wishes this to be a bench trial. Government has no objection. The Court has advised Mr. Hawkins that the request to waive his right to a jury trial must be in writing.

IT IS SO ORDERED

/s/ Lajuana M. Counts
LAJUANA M. COUNTS
UNITED STATES MAGISTRATE JUDGE
